

CIVIL SUIT NO.: 2021-CV-445

ARNETHA BOYD

PINEVILLE CITY COURT

VERSUS

PARISH OF RAPIDES

WAL-MART STORES, INC.

STATE OF LOUISIANA

ANSWER TO PETITION FOR DAMAGES AND REQUEST FOR JURY TRIAL

NOW INTO COURT, through undersigned counsel, comes defendant, Wal-Mart Stores, Inc. ("Walmart"), and in answer to the Petition of plaintiff, and with respect, represents that:

1.

Walmart admits its status as a defendant; however, no liability is admitted thereby.

2.

The allegations of Paragraph 2 of the Petition are denied.

3.

For lack of sufficient information to justify a belief therein, the allegations of Paragraph 3 of the Petition are denied.

4.

The allegations of Paragraph 4 of the Petition are denied.

5.

The allegations of Paragraph 5 of the Petition are denied for lack of sufficient information to justify a belief therein.

6.

The allegations of Paragraph 6 of the Petition are denied for lack of sufficient information to justify a belief therein.

7.

The allegations of Paragraph 7 of the Petition are denied for lack of sufficient information to justify a belief therein.

8.

Paragraph 8 of the Petition does not require a response from Walmart. To the extent that a response is required, any allegations of fact in Paragraph 8 of the Petition are denied.

9.

The allegations of the WHEREFORE Paragraph of the Petition are denied.

EXHIBIT

B

AFFIRMATIVE DEFENSES

AND NOW FURTHER ANSWERING, defendant states as follows:

10.

The incident complained of was in no way caused or contributed to by any fault or negligence on the part of the defendant or on the part of anyone for whom it may be responsible.

11.

The incident complained of was caused or contributed to by others for whom defendant had no responsibility.

12.

The sole cause of any accident or injuries was due to the negligence and/or comparative negligence of plaintiff, barring and/or diminishing any recovery herein.

13.

The sole cause of any accident or injuries was due to the negligence and/or comparative negligence of plaintiff, barring and/or diminishing any recovery herein, in the following non-exclusive particulars:

- a. Failing to see what should have been seen;
- b. Acting in a careless and reckless manner without due regard for his own safety and well-being; and
- c. Failing to exercise due caution for his own well-being and safety.

14.

Defendant affirmatively alleges that plaintiff failed to mitigate his damages.

15.

Defendant is entitled to a credit or setoff for any and all medical bills it may have paid to or on behalf of plaintiff in the past or in the future.

16.

Defendant further shows that, in the alternative, if any of the parties or their insurers designated as defendant herein settles their respective liability with plaintiff, then defendant is entitled to a credit and/or a reduction in the dollar amount of any judgment rendered based upon the proportionate degree of fault assigned and attributable to said other defendant or defendants.

17.

Alternatively, and only in the event that plaintiff's negligence is not found to have been the sole and proximate cause of any injury sustained herein, which is specifically denied, then, in that event, defendant shows that any recovery had by plaintiff herein should be reduced by a percentage of fault applicable to plaintiff's negligence or fault, which is specifically asserted herein, or that of third parties and defendants specifically plead the benefits of La. Civ. Code Arts. 2323 and 2324.

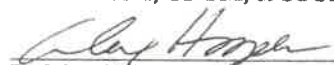
18.

Defendant requests a trial by jury.

WHEREFORE, defendant, Wal-Mart Stores, Inc., prays that this answer be deemed good and sufficient and after due proceedings had, there be judgment herein in favor of defendant, dismissing plaintiff's suit with prejudice at plaintiff's cost and for all other just and equitable relief. Defendant requests a trial by jury.


Respectfully Submitted,

CHADWICK, ODOM, & STOKES, LLC


R. O'Neal Chadwick, Jr. (#19517)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served on all counsel of record by depositing same in the United States mail, properly addressed and postage prepaid, or by fax or email, the 23 day of February, 2022.


W. Alex Hooper (#39483)

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REQUEST FOR NOTICE

Defendant Wal-Mart Stores, Inc., through undersigned counsel, in accordance with the provisions of Articles 1571 and 1572 of the Louisiana Code of Civil Procedure, hereby requests written notice by mail of the date and time fixed for any trial or hearing related to the above numbered and captioned matter, whether for exceptions, rules, trial on the merits, or any other proceedings.

In accordance with the provisions of Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, written notice is also requested of the signing of any order or judgment relating to any matter, interlocutory or final, in the above numbered and captioned matter.


Respectfully Submitted,

CHADWICK, ODOM, & STOKES, LLC


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W. Alex Hooper (#39483)